

1 BILL LOCKYER, Attorney General  
of the State of California  
2 T. MICHELLE LAIRD, State Bar No. 162979  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, CA 92101  
5 P.O. Box 85266  
San Diego, CA 92186-5266  
6  
7 Telephone: (619) 645-2323  
Facsimile: (619) 645-2061  
8 Attorneys for Complainant

9  
10 **BEFORE THE**  
**BOARD OF OCCUPATIONAL THERAPY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Accusation No. OA-2003-113

13 MICHELLE YVONNE VELASQUEZ  
14 aka MICHELLE YVONNE SANDOVAL,

15 4622 East San Luis Street  
16 Rancho Dominguez, CA 90221

17 Occupational Therapy Assistant Certificate No.  
OTA985,

18 Respondent.

**DEFAULT DECISION**  
**AND ORDER**

[Gov. Code, §11520]

19  
20 **FINDINGS OF FACT**

21 1. On or about November 15, 2005, Complainant Heather Martin, in her  
22 official capacity as the Executive Officer of the Board of Occupational Therapy, filed Accusation  
23 No. OA-2003-113 against Michelle Yvonne Velasquez, aka Michelle Yvonne Sandoval  
24 (Respondent), before the California Board of Occupational Therapy (Board).

25 2. On or about January 10, 2003, the Board issued Occupational Therapy  
26 Assistant Certificate Number OTA985 to Respondent. The certificate was in full force and effect  
27 at all times relevant to the charges brought herein and will expire on October 31, 2006, unless  
28 renewed.

1                   3.       On or about November 15, 2005, Marianna Torres-Lopez, an employee of  
2 the Department of Justice, served by Certified and First Class Mail a copy of Accusation No.  
3 OA-2003-113, Statement to Respondent, Notice of Defense, Request for Discovery, and  
4 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record  
5 with the Board, which was and is 4622 East San Luis Street, Rancho Dominguez, CA 90221. A  
6 copy of the Accusation, the related documents, and Declaration of Service are attached as Exhibit  
7 A, and are incorporated herein by reference.

8                   4.       Service of the Accusation was effective as a matter of law under the  
9 provisions of Government Code section 11505, subdivision (c).

10                  5.       The Certified and First Class Mail packets were not returned by the U.S.  
11 Postal Service. The Certified Mail Return Receipt was received by the Department of Justice on  
12 November 21, 2005, showing the date of delivery as November 18, 2005. A copy of the Return  
13 Receipt is attached as Exhibit B, and incorporated herein by reference.

14                  6.       Government Code section 11506 states, in pertinent part:

15                       "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
17 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
18 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

19                  7.       Respondent failed to file a Notice of Defense within 15 days after service  
20 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
21 Accusation No. OA-2003-113.

22                  8.       California Government Code section 11520 states, in pertinent part:

23                       "(a) If the respondent either fails to file a notice of defense or to appear at the  
24 hearing, the agency may take action based upon the respondent's express admissions or upon  
25 other evidence and affidavits may be used as evidence without any notice to respondent."

26                  9.       Pursuant to its authority under Government Code section 11520, the Board  
27 of Occupational Therapy finds Respondent is in default. The Board will take action without  
28 further hearing and, based on Respondent's express admissions by way of default and the

1 evidence before it contained in Exhibits A and B, finds that the allegations in Accusation No.  
2 OA-2003-113 are true.

3 10. The total costs for investigation and enforcement are \$4517.25 as of  
4 December 27, 2005, based on the Certification of Costs contained in Exhibit C.

5 DETERMINATION OF ISSUES

6 1. Based on the foregoing findings of fact, Respondent Michelle Yvonne  
7 Velasquez, aka Michelle Yvonne Sandoval, has subjected her Occupational Therapy Assistant  
8 Certificate Number OTA985 to discipline.

9 2. A copy of the Accusation and the related documents and Declaration of  
10 Service are attached.

11 3. The agency has jurisdiction to adjudicate this case by default.

12 4. The Board of Occupational Therapy is authorized to revoke Respondent's  
13 Occupational Therapy Assistant Certificate based upon the following violations alleged in the  
14 Accusation:

15 a. Criminal Conviction of a Substantially Related Offense (making  
16 false/fraudulent claim), pursuant to Business and Professions Code sections 480(a)(1) and (a)(3),  
17 490 and 2570.28(e) and (o) (First Cause for Discipline);

18 b. Commission of a Substantially Related Fraudulent, Dishonest or  
19 Corrupt Act, pursuant to Business and Professions Code sections 2570.28(h) and (o) and  
20 480(a)(3) (Second Cause for Discipline);

21 c. Commission of an Act Involving Dishonesty, Fraud or Deceit,  
22 pursuant to Business and Professions Code sections 2570.28(o) and 480(a)(2) (Third Cause for  
23 Discipline); and,

24 d. Unprofessional Conduct pursuant to Business and Professions  
25 Code sections 2570.28(a) (Fourth Cause for Discipline).

26 ///

27 ///

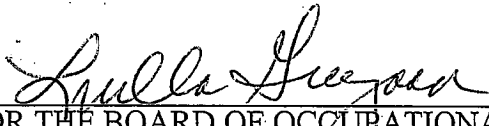
28 ///

1 ORDER

2 IT IS SO ORDERED that Occupational Therapy Assistant Certificate Number  
3 OTA985, heretofore issued to Respondent Michelle Yvonne Velasquez, aka Michelle Yvonne  
4 Sandoval, is revoked. Pursuant to Government Code section 11520, subdivision (c), Respondent  
5 may serve a written motion requesting that the Decision be vacated and stating the grounds relied  
6 on within seven (7) days after service of the Decision on Respondent. The agency in its  
7 discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in  
8 the statute. Within one year of the effective date of this Decision, Respondent Michelle Yvonne  
9 Velasquez shall pay the Board's costs of investigation and prosecution of the subject case in the  
10 sum of \$4517.25.

11 This Decision shall become effective on March 5, 2006.

12 It is so ORDERED February 3, 2006

13  
14   
15 FOR THE BOARD OF OCCUPATIONAL THERAPY

16  
17 70047477.2.wpd

18 DOJ docket number:SD2005700577

19 **Attachments:**

20 Exhibit A: Accusation No. OA-2003-113, Related Documents, and Declaration of Service  
21 Exhibit B: Certified Mail Return Receipt  
22 Exhibit C: Certification of Costs/Declaration  
23  
24  
25  
26  
27  
28